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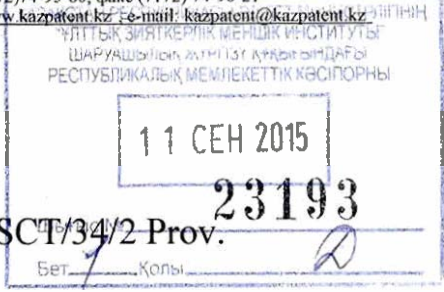
КАЗАКСТАН РЕСПУБЛИКАСЫ
ӘДІЛЕТ МИНИСТРЛІГІНІҢ
"ҰЛТТЫҚ ЗИЯТКЕРЛІК МЕНШІК
ИНСТИТУТЫ"
ШАРУАШЫЛЫҚ ЖҮРГІЗУ
КҰҚЫҒЫНДАҒЫ РЕСПУБЛИКАЛЫҚ
МЕМЛЕКЕТТІК КӘСІПОРНЫ



РЕСПУБЛИКАНСКОЕ ГОСУДАРСТВЕННОЕ
ПРЕДПРИЯТИЕ НА ПРАВЕ
ХОЗЯЙСТВЕННОГО ВЕДЕНИЯ
«НАЦИОНАЛЬНЫЙ ИНСТИТУТ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ»
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Re.: SCT/34/2 Prov.

National Institute of Intellectual Property of Kazakhstan has reviewed revised draft reference document on the protection of country names against registration and use as trademarks.

As in many countries Kazakhstan`s national law does not contain specific references to an official list of country names. In order to be protected, a trademark must be distinctive. Consequently if there is a lack of distinctive character the trademark must be refused. Place of origin is among the descriptive features according to the Article 6 point 1(3) of the Law of the Republic of Kazakhstan "About trademarks, service marks and appellations of origin". Geographical indications can be included into the trademark as a non-registrable element in case it is not considered misleading. Thus, names of states generally excluded from registration in Kazakhstan.

Designation can be registered as a trademark if it is clear that the trademark as a whole is capable of distinguishing for a definite goods and services and the use of the trademark would not be likely to deceive or cause confusion. For example trademark containing state name for the services of class 43 – "restaurants, cafe" would not cause confusion.

The opposition procedures is also available in Kazakhstan which is desirable and useful not only for applicants, rights holders and other interested parties but also for trademark authority. Opposition procedures can present an additional opportunity for preventing the registration as a trademark of a sign incorporating a country name in cases where the ex officio examination of the trademark office alone would not result in a refusal. Providing an additional opportunity to raise a specific point is a characteristic of opposition procedures.

In general overview of practices and underlying legal rules provided by Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications of WIPO are helpful in promoting a better understanding of the available tools to protect country names against undue registration or use as trademarks in Kazakhstan.

Director

S. Bekenov

Examiner: Turganova G.